

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1016

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the office of adjutant
2 general; to provide for a contingent appropriation; to amend and reenact section 37-17.1-27 of
3 the North Dakota Century Code, relating to the payment of expenditures from the state disaster
4 relief fund; to provide for transfers; to provide exemptions; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
9 other income, to the office of the adjutant general for the purpose of defraying the expenses of
10 that agency, for the biennium beginning July 1, 2013, and ending June 30, 2015, as follows:

11 Subdivision 1.

12 NATIONAL GUARD

	Base Level	Adjustments or Enhancements	Appropriation
13			
14			
15	\$5,153,886	\$1,523,125	\$6,677,011
16	4,062,891	0	4,062,891
17	229,371	1,141,261	1,370,632
18	449,514	660,000	1,109,514
19	243,353	44,098	287,451
20	2,407,500	110,000	2,517,500
21	10,989,323	493,835	11,483,158
22	56,110,755	2,071,916	58,182,671
23	576,916	70,089	647,005
24	1,477,449	9,531	1,486,980

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1	Accrued leave payments	0	812,098	812,098
2	Total all funds	\$81,700,958	\$6,935,953	\$88,636,911
3	Less estimated income	65,721,902	4,163,777	69,885,679
4	Total general fund	\$15,979,056	\$2,772,176	\$18,751,232
5	Salaries and wages	<u>\$5,153,886</u>	<u>\$2,874,975</u>	<u>\$8,028,861</u>
6	Operating expenses	<u>4,062,891</u>	<u>50,000</u>	<u>4,112,891</u>
7	Capital assets	<u>229,371</u>	<u>1,141,261</u>	<u>1,370,632</u>
8	Grants	<u>449,514</u>	<u>660,000</u>	<u>1,109,514</u>
9	Civil air patrol	<u>243,353</u>	<u>47,418</u>	<u>290,771</u>
10	Tuition, recruiting, and retention	<u>2,407,500</u>	<u>110,000</u>	<u>2,517,500</u>
11	Air guard contract	<u>10,989,323</u>	<u>758,804</u>	<u>11,748,127</u>
12	Army guard contract	<u>56,110,755</u>	<u>2,423,237</u>	<u>58,533,992</u>
13	Veterans' cemetery	<u>576,916</u>	<u>85,908</u>	<u>662,824</u>
14	Reintegration program	<u>1,477,449</u>	<u>24,144</u>	<u>1,501,593</u>
15	Total all funds	<u>\$81,700,958</u>	<u>\$8,175,747</u>	<u>\$89,876,705</u>
16	Less estimated income	<u>65,721,902</u>	<u>4,947,858</u>	<u>70,669,760</u>
17	Total general fund	<u>\$15,979,056</u>	<u>\$3,227,889</u>	<u>\$19,206,945</u>

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

		Adjustments or		
	Base Level	Enhancements	Appropriation	
22	Salaries and wages	\$11,363,744	(\$1,064,824)	\$10,298,920
23	Operating expenses	9,930,022	(210,534)	9,719,488
24	Capital assets	802,000	121,240	923,240
25	Grants	71,419,771	(52,046,524)	19,373,247
26	Disaster costs	109,923,008	37,795,559	147,718,567
27	Radio communications	0	2,460,000	2,460,000
28	Accrued leave payments	0	283,895	283,895
29	Total all funds	\$203,438,545	(\$12,661,188)	\$190,777,357
30	Less estimated income	195,382,476	(16,056,622)	179,325,854
31	Total general fund	\$8,056,069	\$3,395,434	\$11,451,503

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1	Salaries and wages	\$11,363,744	(\$792,716)	\$10,571,028
2	Operating expenses	9,930,022	(10,534)	9,919,488
3	Capital assets	802,000	121,240	923,240
4	Grants	71,419,771	(52,046,524)	19,373,247
5	Disaster costs	109,923,008	39,307,346	149,230,354
6	Radio communications	0	2,735,000	2,735,000
7	Total all funds	\$203,438,545	(\$10,686,188)	\$192,752,357
8	Less estimated income	195,382,476	(14,356,622)	181,025,854
9	Total general fund	\$8,056,069	\$3,670,434	\$11,726,503

10 Subdivision 3.

11	BILL TOTAL			
12			Adjustments or	
13		Base Level	Enhancements	Appropriation
14	Grand total general fund	\$24,035,125	\$6,167,610	\$30,202,735
15	Grand total special funds	261,104,378	(11,892,845)	249,211,533
16	Grand total all funds	\$285,139,503	(\$5,725,235)	\$279,414,268
17	Grand total general fund	\$24,035,125	\$7,273,323	\$31,308,448
18	Grand total special funds	261,104,378	(9,408,764)	251,695,614
19	Grand total all funds	\$285,139,503	(\$2,135,441)	\$283,004,062
20	Full-time equivalent positions	242.00	4.00	246.00

21 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

22 **SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
 23 funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and
 24 the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

25	<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
26	Motorola lease purchase payment	\$1,525,347	\$0
27	Message switch upgrades	235,000	0
28	Central electronics bank dispatch system	1,100,000	0
29	Technology projects	100,000	0
30	State radio tower package	1,500,000	900,000
31	Statewide seamless base map	900,000	1,150,000

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1	State radio tower package	1,500,000	1,175,000
2	Statewide seamless base map	900,000	1,150,000
3	Flood-impacted housing rehabilitation	0	1,500,000
4	Military service center east	72,700	0
5	Extraordinary repairs	385,381	0
6	State radio communications center	0	1,201,240
7	Computer-aided dispatch upgrade	0	340,000
8	Voice incident recorder	0	150,000
9	State radio suppression project	0	210,000
10	Disaster coordination contract	0	1,500,000
11	Veterans' bonus program	0	600,000
12	Flood disaster expenditures (special session)	39,500,000	0
13	Flood-damaged school grant	500,000	0
14	Total all funds	\$45,818,428	\$6,051,240
15	Less estimated income	40,000,000	2,000,000
16	Total general fund	\$5,818,428	\$4,051,240
17	Total all funds	\$45,818,428	\$7,826,240
18	Less estimated income	40,000,000	3,500,000
19	Total general fund	\$5,818,428	\$4,326,240

20 The 2013-15 one-time funding amounts are not a part of the entity's base budget for the
 21 2015-17 biennium. The adjutant general shall report to the appropriations committees of the
 22 sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning
 23 July 1, 2013, and ending June 30, 2015.

SECTION 3. CONTINGENT APPROPRIATION - NATIONAL GUARD TUITION

25 **ASSISTANCE.** There is appropriated out of any moneys in the general fund in the state
 26 treasury, not otherwise appropriated, the sum of \$375,000, or so much of the sum as may be
 27 necessary, to the adjutant general for the purpose of providing tuition assistance to eligible
 28 members of the North Dakota national guard, for the biennium beginning July 1, 2013, and
 29 ending June 30, 2015. The funding appropriated under this section is contingent upon the
 30 adjutant general certifying to the office of management and budget that the national guard has
 31 received a new assignment in association with the Grand Forks air force base.

1 **SECTION 4. FLOOD-IMPACTED HOUSING REHABILITATION - STATE DISASTER**

2 **RELIEF FUND.** The disaster costs line item in subdivision 2 of section 1 of this Act includes the
3 sum of \$1,500,000 from the state disaster relief fund for the purpose of providing funds to
4 counties and cities for flood-impacted housing rehabilitation. The funds must be used by
5 counties and cities to assist homeowners and residents in the rehabilitation or replacement of
6 flood-damaged homes, to retain homeowners and other residents in the community, and for
7 transitional expenses to facilitate housing availability for flood-impacted residents.

8 **SECTION 5. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION.** In
9 addition to the amount appropriated to the adjutant general in the veterans' cemetery line item
10 in subdivision 1 of section 1 of this Act, there is appropriated any additional funds which are
11 received and deposited in the veterans' cemetery maintenance fund pursuant to sections
12 37-03-14 and 39-04-10.10 for the operation of the North Dakota veterans' cemetery for the
13 biennium beginning July 1, 2013, and ending June 30, 2015.

14 **SECTION 6. MAINTENANCE AND REPAIRS - TRANSFERS.** The adjutant general may
15 transfer to the operating expenses and capital assets line items contained in section 1 of this
16 Act up to the sum of \$500,000 from the various other line items contained in section 1 of this
17 Act, as determined necessary by the adjutant general to provide for the maintenance and repair
18 of state-owned armories in this state during the biennium beginning July 1, 2013, and ending
19 June 30, 2015. Any amounts transferred pursuant to this section must be reported to the
20 director of the office of management and budget.

21 **SECTION 7. FUNDING TRANSFERS - STATE EMPLOYEE COMPENSATION**

22 **ADJUSTMENTS - EXCEPTION.** Notwithstanding section 54-16-04, the adjutant general may
23 transfer appropriation authority between line items within each subdivision of section 1 of this
24 Act and between subdivisions within section 1 of this Act, as it relates to state employee
25 compensation increases authorized by the sixty-third legislative assembly, for the biennium
26 beginning July 1, 2013, and ending June 30, 2015. The adjutant general shall notify the office of
27 management and budget of any transfer made under this section.

28 **SECTION 8. EXEMPTION.** The sum of \$1,000,000 from the general fund appropriated for
29 the computer-aided dispatch phase 2 project, as contained in section 1 of chapter 16 of the
30 2009 Session Laws, is not subject to section 54-44.1-11 and any unexpended funds are

1 available for project costs during the biennium beginning July 1, 2013, and ending June 30,
2 2015.

3 **SECTION 9. EXEMPTION.** Any amounts carried over pursuant to section 7 of chapter 42 of
4 the 2011 Session Laws that is unexpended as of June 30, 2013, is not subject to section
5 54-44.1-11 and is available for payment of adjusted compensation to veterans. Any unexpended
6 funds from this appropriation must be transferred to the veterans' cemetery trust fund during the
7 biennium beginning July 1, 2015, and ending June 30, 2017.

8 **SECTION 10. EXEMPTION.** The amount appropriated in the capital assets line for the state
9 radio tower package and statewide seamless base map in section 1, subdivision 2, of
10 chapter 42 of the 2011 Session Laws is not subject to section 54-44.1-11 and any unexpended
11 funds from this line item are available for completing these projects during the biennium
12 beginning July 1, 2013, and ending June 30, 2015.

13 **SECTION 11. EXEMPTION.** The amount appropriated for flood relief or disaster mitigation
14 projects in incorporated cities, and grants to political subdivisions for amounts required to match
15 federal dollars on road grade raising projects and federal emergency relief funding in section 4,
16 subdivisions 2, 3, and 4, of chapter 261 of the 2011 Session Laws is not subject to section
17 54-44.1-11 and any unexpended funds from this appropriation are available for these purposes
18 during the biennium beginning July 1, 2013, and ending June 30, 2015.

19 **SECTION 12. EXEMPTION.** The amount appropriated for grants to cities and counties for
20 flood-impacted housing rehabilitation in section 9 of chapter 579 of the 2011 Session Laws is
21 not subject to section 54-44.1-11 and any unexpended funds from this appropriation are
22 available for these purposes during the biennium beginning July 1, 2013, and ending June 30,
23 2015.

24 ~~**SECTION 13. EMERGENCY.** Of the amount appropriated from the general fund in this Act,
25 funding of \$600,000 in the grants line in subdivision 1 of section 1 of this Act, relating to the
26 veterans' bonus program, \$241,240 in the capital assets line in subdivision 1 of section 1 of this
27 Act, and \$960,000 in the capital assets line in subdivision 2 of section 1 of this Act, relating to
28 the state radio communications center project, is declared to be an emergency measure.~~

29 **SECTION 13. EXEMPTION.** The amount appropriated in the tuition, recruiting, and
30 retention line item in subdivision 1 of section 1 of chapter 42 of the 2011 Session Laws is not
31 subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used

1 to provide tuition assistance to eligible members of the North Dakota national guard during the
2 biennium beginning July 1, 2013, and ending June 30, 2015.

3 **SECTION 14. AMENDMENT.** Section 37-17.1-27 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **37-17.1-27. State disaster relief fund - Creation - Uses.**

6 There is created in the state treasury a state disaster relief fund. Moneys in the fund are to
7 be used subject to legislative appropriations and emergency commission ~~and budget section~~
8 approval for providing the required state share of funding for expenses associated with state
9 disasters, including providing funds required to match federal funds for expenses associated
10 with presidential-declared disasters in the state, and to defray expenses of the adjutant general
11 in contracting for disaster recovery and mitigation planning and program coordination services.
12 Any interest or other fund earnings must be deposited in the fund. Upon request, the office of
13 the adjutant general shall report to the budget section on expenditures from the fund.

14 **SECTION 15. EMERGENCY.** Section 3 of this Act and funding of \$600,000 from the
15 general fund in the grants line item in subdivision 1 of section 1 of this Act, relating to the
16 veterans' bonus program, funding of \$241,240 from the general fund in the capital assets line
17 item in subdivision 2 of section 1 of this Act, relating to the state radio communications center
18 project, funding of \$960,000 from the general fund in the capital assets line item in subdivision 1
19 of section 1 of this Act, relating to the state radio communications center project, and funding of
20 \$1,500,000 from the state disaster relief fund in the disaster costs line item in subdivision 2 of
21 section 1 of this Act, relating to flood-impacted housing rehabilitation, are declared to be an
22 emergency measure.